

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN G. PEDICINI, :
:
Plaintiff, :
:
v. : Case No. 04-12395-JLT
:
UNITED STATES OF AMERICA, et al., :
:
Defendants. :
:
:

DEFENDANTS' RULE 26 DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendants, United States of America, et al. ("United States"), provide the following Rule 26(a)(3) pretrial disclosures:

I. The following are the names, addresses, and telephone numbers of each witness, separately identifying those that the Government expects to present and those that the Government may call if the need arises:

Defendants expect to present testimony from the following individuals:

1. Frances E. Zorn¹

2. John Ghiorzi
8 Dray Coach Circle
Nashua, NH 03062
(603)888-1944

¹ The contact information for Frances Zorn will be supplemented upon receipt.

3. Robert Canavan
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
(617)565-7110

Defendants may call the following witnesses if the need arises²:

4. Douglas MacAllister
601 Haverhill Street
Reading, MA 01867
(781)942-0161
5. Lawrence Blim
USDA-FNS
3101 Park Center Drive
Alexandria, VA 22302-1500
(703)305-1548
6. Suzanne Biermann
FNS-NERO
10 Causeway Street, Rm. #501
Boston, MA 02222
Arthur LeBlanc
(617)565-6370
7. Roger Hamilton³
8. Arthur LeBlanc⁴
9. Michael Malone⁵

² Defendants do not intend to call any of the witnesses below. These witnesses will only be called to impeach or rebut Defendants' case-in-chief.

³ The contact information for Roger Hamilton will be supplemented upon receipt.

⁴ The contact information for Arthur LeBlanc will be supplemented upon receipt.

⁵ The contact information for Michael Malone will be supplemented upon receipt.

10. Any witness identified by Plaintiff in Plaintiff's pretrial disclosures (to the extent that the Court does not grant Defendants' motions in limine, motion to quash, and objections as to those witnesses); and
11. Any witness that may be necessary to impeach or rebut Plaintiff's case-in-chief.

II. The following are the documents or exhibits, including the appropriate identification of each document, separately identifying those that the Government expects to offer and those that the Government may offer if the need arises:

Documents or other exhibits Defendants expect to offer at trial:

1. Hines' and Pedicini's Position Descriptions (Bates-Stamped US0178-US0184).
2. Memorandum from USDA to Regional Administrators, dated February 22, 1982 (Bates-Stamped Numbers forthcoming).
3. Delegation of Authority Memoranda (US0013-US0015, other Bates-Stamped Numbers forthcoming).
4. Procurement Documents, i.e., Compensatory Time & Overtime Authorization and Printing and Binding Requisition to the Public Printer (Bates-Stamped P517, P1375, P1373).
5. Complaint of Employment Discrimination filed by Plaintiff, dated November 17, 2000 (Bates-Stamped US0082-US0086).
6. Plaintiff's Complaint of a Civil Action, 01-11564-DPW, dated, September 13, 2001, alleging that the USDA retaliated against him for his involvement in Ms. Bellezza's complaint (Bates-Stamped Numbers forthcoming).
7. Settlement Agreement, dated June 17, 2002 (US0104-US0106).
8. Stipulation of Dismissal Without Costs of Pedicini and USDA, dated June 25, 2002 (Bates-Stamped US001).
9. Email correspondence between Douglas MacAllister, Plaintiff, and Joseph Stanco, dated March 4, through 10, 2003 (Bates-Stamped US0201).
10. E-Mail Chain from Joseph Stanco to Plaintiff, dated 3/4/2003 (Bates-Stamped US0201).

11. Financial Management Specialist Position Description, dated 8/2/1999 (Bates-Stamped US0176-US0184).
12. Performance Plan, Progress Review, and Appraisal Worksheet, dated 1/1/2003 (Bates-Stamped US0078-US0081).
13. Performance Plan, Progress Review, and Appraisal Worksheet, dated 1/1/2004 (Bates-Stamp Number forthcoming).
14. FNS Integrated Program Accounting System Report on User Access, dated 7/19/2007 (Bates-Stamp Number forthcoming).
15. Financial Management Flowchart, dated 7/20/2007 (Bates-Stamp Number forthcoming).
16. Memo from Gary Maupin regarding Funds Control Officer Responsibilities, dated 1/28/1997 (Bates-Stamp Number forthcoming).
17. Memo from Roger A. Butler regarding Permissible Expenditures, dated 11/24/1997 (Bates-Stamp Number forthcoming).
18. Cash Award, Pay Adjustment, and Grace Increase Notifications, dating from 05/04/2002 to 08/02/2004 (Bates-Stamped US0208, US0210-0216, US0220, US0305, and US0311).
19. Letter from Michael Watts to Larry Newell, dated October 18, 2004 (Bates-Stamped US0002).
20. Financial Management NERO Organizational Chart, dated 12/01/2004 (Bates-Stamp Number forthcoming).
21. Financial Management NERO Organizational Chart, date unspecified (Bates-Stamp 0056).

Documents or other exhibits Defendants may offer at trial:

22. FNS Computer System Access Request for John G. Pedicini, dated 7/20/2001 (Bates-Stamp Number forthcoming).
23. SERO Financial Management Organization Chart, dated June 2006 (Bates-Stamp Number forthcoming).
24. Learning History Record of John Pedicini (Bates-Stamp Number forthcoming).

25. Memo to Michael Todd, Funds Officer at FNS Mountain Plains Region, regarding Formal Delegation of Authority (Bates-Stamp Number forthcoming).
26. Delegation of Authority Form With Respect to Availability of Administrative Funds, Regional Administrator of FNS Southeast Region Donald E. Arnette (Bates-Stamp Number forthcoming).
27. Delegation of Authority Form With Respect to Availability of Administrative Funds, Regional Administrator of FNS Southeast Region Retha F. Oliver (Bates-Stamp Number forthcoming).
28. Delegation of Authority Form With Respect to Availability of Administrative Funds, Regional Administrator of FNS Southeast Region Sara S. Harding (Bates-Stamp Number forthcoming).
29. Delegation of Authority Form With Respect to Availability of Administrative Funds, Regional Administrator of FNS Southeast Region J. Lewis Wright (Bates-Stamp Number forthcoming).
30. Affidavit of Lisha Dorman, dated November 2, 2005 (Bates-Stamped P2260-P2263).⁶
31. Vacancy Announcement, dated July 16, 2004 (Bates-Stamp Number forthcoming).
32. Vacancy Announcement, dated October 31, 2004 (Bates-Stamp Number forthcoming).
33. Documents or other exhibits referenced in Plaintiff's pretrial disclosures (to the extent that the Court does not grant Defendants' motions in limine, motion to quash, and objections as to those documents and exhibits); and
34. Any document or exhibit that may be necessary to impeach or rebut Plaintiff's case-in-chief.

⁶ Defendants have filed a Motion in Limine to exclude this witness from testifying at trial. In the event the Court grants Defendants' motion, then we no longer want or need this document for submission into evidence at trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant United States Attorney
John Joseph Moakley U.S. Courthouse
One Courthouse Way, Suite 9200
Boston, Mass. 02110
617-748-3369

Dated: July 24, 2007

CERTIFICATE OF SERVICE

I certify that on July 24, 2007, I caused a copy of the foregoing document to be served on *pro se* Plaintiff, John G. Pedicini, 10 Milano Drive, Saugus, MA 01906, by first class mail, postage pre-paid.

/s/ Gina Walcott-Torres
Gina Walcott-Torres
Assistant U.S. Attorney